

1 AIMAN-SMITH & MARCY
Joseph Clapp (SBN 99194)
2 jc@asmlawyers.com
7677 Oakport Street, Suite 1150
3 Oakland, CA 94621
Tele: (510) 590-7115/Fax: (510) 562-6830

4 Attorney for Plaintiffs MICHELLE HINDS & TYRONE POWELL

5 WHEELER TRIGG O'DONNELL LLP
Jessica G. Scott, *appearing pro hac vice*
6 Email: scott@wtotrial.com
Michael T. Williams, *appearing pro hac vice*
7 Email: williams@wtotrial.com
Juan Ramirez, *appearing pro hac vice*
8 Email: ramirez@wtotrial.com
370 Seventeenth Street, Suite 4500
9 Denver, CO 80202-5647
Telephone: (303) 244-1800
10 Facsimile: (303) 244-1879

11 Attorneys for Defendant FEDEX GROUND PACKAGE SYSTEM, INC.

12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

16 MICHELLE HINDS, an individual, and
17 TYRONE POWELL, an individual,

18 Plaintiffs,

19 vs.

20 FEDEX GROUND PACKAGE SYSTEM,
INC., a Delaware corporation; and BAY RIM
21 SERVICES, INC., a California corporation,

22 Defendants.

Case No. 4:18-cv-01431-JSW (AGT)

JOINT REQUEST FOR DISMISSAL
WITHOUT PREJUDICE OF PAGA
CLAIMS

Action Filed: March 5, 2018
FAC Filed: May 10, 2018
Trial: October 24, 2022

1 The Parties hereby request that the Court dismiss without prejudice Plaintiffs'
2 individual and representative Private Attorneys General Act of 2004, Cal. Lab. Code §§ 2698,
3 *et seq.* ("PAGA"), claims. The Parties' counsel agree that the Court's dismissal without
4 prejudice of the PAGA claims does not require a fairness review by the Court, and that the
5 Court's dismissal is in compliance with applicable law.

6 The Parties have reached a confidential agreement on Plaintiffs' individual claims and
7 will file a stipulation to dismiss those claims with prejudice once certain conditions are satisfied
8 between them.

9 The Parties further agree that upon the Court's signing of the attached proposed order,
10 the Court may dismiss the jurors.

11 Respectfully submitted,

12 DATE: October 25, 2022

13 AIMA-SMITH & MARCY

14 By: /s/ Joseph Clapp

15 Joseph Clapp

16 Attorney for Plaintiffs

17 MICHELLE HINDS & TYRONE POWELL

18 DATE: October 25, 2022

19 WHEELER TRIGG O'DONNELL LLP

20 By: /s/ Jessica G. Scott

21 Jessica G. Scott

22 Attorney for Defendant

23 FEDEX GROUND PACKAGE SYSTEM, INC.

24 **ECF ATTESTATION**

25 Pursuant to Civil L. R. 5-1(i) the filer attests that concurrence in the filing of this
26 document has been obtained from each of the other signatories thereto.

27 Date: October 25, 2022

28 /s/ Jessica G. Scott